

Remarks

Prior to this communication, claims 1 – 21 were pending. Claims 1 – 21 were rejected. By this response, claims 1, 4 – 12, and 14 – 21 have been amended; and claims 2, 3, and 13 have been canceled. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

35 U.S.C. §101 Rejections

Claims 1 and 12 stand rejected under 35 U.S.C. § 101 “because the claimed invention is directed to non-statutory subject matter.” (Page 2, Action.) Particularly, the Examiner indicated that the “method and system claims consist of an abstract idea which is a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result). Specifically, the method needs to be tied to a particular apparatus such as a computer processor and a gaming machine.”

Claims 1 and 12 have been amended. Amended claims 1 and 12 include “a gaming machine” and “a gaming system,” respectively. A gaming machine implemented method is tangible and concrete. Therefore, as amended, claims 1 and 12 meet the requirements of 35 U.S.C. §101.

Withdrawal of the rejections is respectfully requested.

35 U.S.C. §102 Rejections

Claims 1 – 3, and 12 – 14 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,966,834 (“Johnson”).

Claims 1 and 12 are independent claims.

Claim 1 has been amended, and is directed to “[a] method of using a residual credit of a gaming machine to win a prize, the residual credit being equivalent to units of monetary value which is held within the gaming machine and is indispensable by the gaming machine,” the

method includes, among other things, “selecting a value of a jackpot pool,” “determining a range of random numbers as a function of the value of the jackpot pool,” “determining a number of winnable outcome values dependent on the residual credit,” “randomly generating an outcome from the range of random numbers,” “comparing the generated outcome with the winnable outcome values,” and “awarding the prize if the generated outcome matches any of the winnable outcome values.”

Johnson does not anticipate amended claim 1.

Rather, Johnson discloses that turnover credits are used in the wagering process. For example, Johnson discloses that “[t]he jackpot controller 13 calculates and manages the jackpot pools from the information provided to it by the monitoring system 12. The only meter required by the jackpot controller from the monitoring system is the current value of the turnover meter of each EGD.” (Col. 4, lines 36 – 40.) Johnson further defines turnover credits as the credits accumulated in the gaming machine since the gaming machine was commissioned. For example, Johnson discloses that “[t]he turnover meter usually indicates the accumulated turnover, e.g. credits bet, since the EGD was commissioned.” (Col. 4, lines 42 – 43.)

Therefore, Johnson does not anticipate at least with respect to “[a] method of using a residual credit of a gaming machine to win a prize, the residual credit being equivalent to units of monetary value which is held within the gaming machine and is indispensable by the gaming machine,” and “determining a number of winnable outcome values dependent on the residual credit,” as recited in claim 1.

Furthermore, Johnson discloses that a winning factor is based on a turnover of a gaming device, a record period, and a number of draw periods per record period, not as a function of the value of the jackpot pool. For example, Johnson discloses that “[t]he probability that an EGD will win a jackpot draw depends on a calculated scaling factor. In this embodiment, the scaling factor is based on estimated turnover during the Draw Period which is calculated by taking, for each EGD, the total turnover in the Record Period, and dividing it by the number of Draw Periods per Record Period.” (Col. 5, lines 46 – 51.)

Still furthermore, Johnson discloses that the winning range is fixed, but not based on any residual credits or the value of the jackpot pool. For example, Johnson discloses that “[a] fixed number range is defined... The winning band is a percentage of the entire number range, which

is equal to the desired win probability.” (Col. 6, lines 13 – 19.) However, the win probability as disclosed depends on a draw period.

That is, Johnson does not anticipate at least with respect to “[a] method of using a residual credit of a gaming machine to win a prize, the residual credit being equivalent to units of monetary value which is held within the gaming machine and is indispensable by the gaming machine,” and “determining a range of random numbers as a function of the value of the jackpot pool,” as recited in claim 1.

Accordingly, claim 1 and dependent claims 2 and 3 are allowable for at least the reasons set forth above.

Similarly, claim 12 has been amended, and is directed to “[a] gaming system for using residual credits to win a prize, the residual credit being equivalent to units of monetary value which held within the gaming system and is indispensable by the gaming machine,” and the gaming system includes “a controller selects a prize value, determines a range of random numbers as a function of the prize value and determines a number of winnable outcome values based on the residual credit,” “a random number generator generates a random outcome within the range of random numbers,” “wherein the controller compares the generated random outcome with the number of winnable outcome values; and awards the prize if the generated random outcome matches any of the winnable outcome values.”

Johnson does not anticipate amended claim 12, since Johnson discloses using turnover credits. Johnson further defines turnover credits as the credits accumulated in the gaming machine since the gaming machine was commissioned. For example, Johnson discloses that “[t]he turnover meter usually indicates the accumulated turnover, e.g. credits bet, since the EGD was commissioned.”

Furthermore, Johnson discloses that a winning factor is based on a turnover of a gaming device, a record period, and a number of draw periods per record period, not as a function of the prize value. For example, Johnson discloses that “[t]he probability that an EGD will win a jackpot draw depends on a calculated scaling factor. In this embodiment, the scaling factor is based on estimated turnover during the Draw Period which is calculated by taking, for each

EGD, the total turnover in the Record Period, and dividing it by the number of Draw Periods per Record Period.” (Col. 5, lines 46 – 51.)

Therefore, Johnson does not anticipate at least with respect to “[a] gaming system for using residual credits to win a prize, the residual credit being equivalent to units of monetary value which held within the gaming system and is indispensable by the gaming machine,” and “a controller ... determines a range of random numbers as a function of the prize value and determines a number of winnable outcome values based on the residual credit,” as recited in claim 12.

Accordingly, claim 12 and dependent claims 13 and 14 are allowable for at least the reasons set forth above.

35 U.S.C. §103 Rejections

Claims 4 – 11, and 15 – 21 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Johnson.

Applicant respectfully submits that claims 1 and 12 are not obvious in view of Johnson.

As indicated above, Johnson does not teach or suggest, among other things, “[a] method of using a residual credit of a gaming machine to win a prize, the residual credit being equivalent to units of monetary value which is held within the gaming machine and is indispensable by the gaming machine,” and “determining a number of winnable outcome values dependent on the residual credit,” as recited in claim 1, and “[a] gaming system for using residual credits to win a prize, the residual credit being equivalent to units of monetary value which held within the gaming system and is indispensable by the gaming machine,” and “a controller selects a prize value, determines a range of random numbers as a function of the prize value and determines a number of winnable outcome values based on the residual credit,” as recited in claim 12.

Rather, Johnson discloses that a winning factor is based on a turnover of a gaming device, a record period, and a number of draw periods per record period. For example, Johnson discloses that “[t]he probability that an EGD will win a jackpot draw depends on a calculated scaling factor. In this embodiment, the scaling factor is based on estimated turnover during the Draw Period which is calculated by taking, for each EGD, the total turnover in the Record

Period, and dividing it by the number of Draw Periods per Record Period.” (Col. 5, lines 46 – 51.)

Furthermore, Johnson discloses that turnover credits are used in the wagering process. For example, Johnson discloses that “[t]he jackpot controller 13 calculates and manages the jackpot pools from the information provided to it by the monitoring system 12. The only meter required by the jackpot controller from the monitoring system is the current value of the turnover meter of each EGD.” (Col. 4, lines 36 – 40.) Johnson further defines turnover credits as the credits accumulated in the gaming machine since the gaming machine was commissioned. For example, Johnson discloses that “[t]he turnover meter usually indicates the accumulated turnover, e.g. credits bet, since the EGD was commissioned.” (Col. 4, lines 42 – 43.)

Therefore, Johnson does not teach or suggest, among other things, “[a] method of using a residual credit of a gaming machine to win a prize, the residual credit being equivalent to units of monetary value which is held within the gaming machine and is indispensable by the gaming machine,” and “determining a number of winnable outcome values dependent on the residual credit,” as recited in claim 1, and “[a] gaming system for using residual credits to win a prize, the residual credit being equivalent to units of monetary value which held within the gaming system and is indispensable by the gaming machine,” and “a controller selects a prize value, determines a range of random numbers as a function of the prize value and determines a number of winnable outcome values based on the residual credit,” as recited in claim 12.

Accordingly, claims 1 and 12 are allowable in view of Johnson.

Dependent claims 4 – 11, and 15 – 21 are therefore allowable for at least the reasons set forth above.

No new matter has been added.

Conclusion

Applicant respectfully submits that all of claims 1, 4 – 12, and 14 – 21 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

Dated: April 28, 2009

/Larry M. Jarvis/
Larry M. Jarvis
Reg. No. 27,341
Attorney for Applicants

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street
34th Floor
Chicago, IL 60661
Phone (312) 775-8000
Fax (312) 775-8100